

REMARKS

Claims 28-31, 35, 63, 64 and 70 are pending. Claims 32-34, 36-62, 65-69, 71-72 and 75-76 are withdrawn. Claims 73 and 74 have been canceled.

On December 5, 2008, Examiner issued an Office Action pursuant to 35 U.S.C. § 121 requesting Applicant restrict prosecution to one of the following inventions:

- I. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ia where B = a bond, and Ar = naphthalene or tetrahydronaphthalene.
- II. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ia where B = a bond, and Ar = tetrahydroquinoline which is attached at the nitrogen position.
- III. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ia where B = a bond, and Ar = indole or indoline which is attached at the nitrogen position.
- IV. Claims 28-61 and 63-70 (in part) drawn to compounds and simple compositions thereof of the formula Ib where B = a bond, and Ar = naphthalene or tetrahydronaphthalene.
- V. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ib where B = a bond, and Ar = tetrahydroquinoline which is attached at the nitrogen position.
- VI. Claims 28-61 and 63-70 (in part) drawn to compounds and simple compositions thereof of the formula Ib where B = a bond, and Ar = indole or indoline which is attached at the nitrogen position.
- VII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ic where B = a bond, and Ar = naphthalene or tetrahydronaphthalene.
- VIII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ic where B = a bond, and Ar = tetrahydroquinoline which is attached at the nitrogen position.
- IX. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ic where B = a bond, and Ar = indole or indoline which is attached at the nitrogen position.

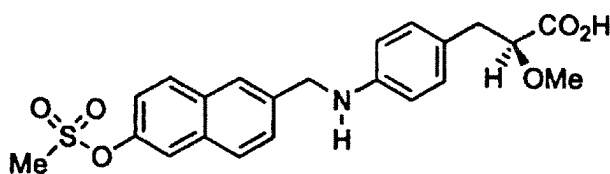
- X. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Id where B = a bond, and Ar = naphthalene or tetrahydronaphthalene.
- XI. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Id where B = a bond, and Ar = tetrahydroquinoline which is attached at the nitrogen position.
- XII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Id where B = a bond, and Ar = indole or indoline which is attached at the nitrogen position.
- XIII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Id where B = O and Ar = phenyl.
- XIV. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ie where B = a bond, and Ar = naphthalene or tetrahydronaphthalene.
- XV. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ie where B = a bond, and Ar = tetrahydroquinoline which is attached at the nitrogen position.
- XVI. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula Ie where B = a bond, and Ar = indole or indoline which is attached at the nitrogen position.
- XVII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula If where B = a bond, and Ar = naphthalene or tetrahydronaphthalene.
- XVIII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula If where B = a bond, and Ar = tetrahydroquinoline which is attached at the nitrogen position.
- XIX. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula If where B = a bond, and Ar = indole or indoline which is attached at the nitrogen position.
- XX. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula If where B = O, and Ar = phenyl.
- XXI. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof of the formula If where B = a bond, and Ar = a

benzoxazine ring (includes oxo compound) attached at the nitrogen position.

- XXII. Claims 28-61 and 63-70 (in part), drawn to compounds and simple compositions thereof not embraced by groups I-XXI.
- XXIII. Claim 62, drawn to a process of making either of the compounds described in groups I-XXII (applicant must choose one group of compounds).
- XXIV. Claims 71-72, drawn to a method of treating diabetes and dyslipidemia using compounds in either groups I-XXII (applicant must choose one group of compounds).
- XXV. Claims 75-76, drawn to medicines encompassing compounds in either groups I-XXII (applicant must choose one group of compounds).

The Office Action also required Applicant to elect a single disclosed species for prosecution on the merits.

Applicant hereby elects to prosecute Group I and elects the following species (S)-2-methoxy-3-[4-{6-methanesulfonyloxynaph-2-ylmethylamino} phenyl] propanoic acid. This species is shown at Example 13, page 9 of the specification and has the following chemical structure:



Based on the above election and species identification, claims 28-31, 35, 63, 64, and 70 are readable upon the elected species. Claims 28, 63, and 70 are generic.

Applicant respectfully requests that upon the allowance of a generic claim, the non-elected species claims which depend from or otherwise require all the limitations of the allowable generic claim be rejoined for consideration. Applicant further requests

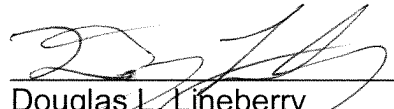
that upon allowance of a product claim, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim be rejoined for consideration.

In view of the above Election, Applicant respectfully submits that all pending claims are patentable and requests examination of the present Application and the timely allowance of the pending claims. The Examiner is encouraged to telephone the undersigned at her convenience should she have any questions regarding this matter or to resolve any remaining issues.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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